

# Recess

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## Research References

5 Hinds §§ 6663–6671  
8 Cannon §§ 3354–3362  
Manual §§ 586, 782, 784

### § 1. In General

The Speaker has the discretionary authority to declare a brief recess when no question is then pending before the House. Rule I clause 12 (adopted in 1993). Recesses may also be declared by the Speaker pursuant to authority granted by the House (§ 2, *infra*). They are not permitted in the Committee of the Whole except with the permission of the House. 5 Hinds §§ 6669–6671; 8 Cannon § 3357.

Recess is to be distinguished from adjournment. Recesses are taken during a legislative day, whereas normally adjournments are taken from day to day; and an adjournment terminates a legislative day. Another distinguishing feature is that, during a recess, the Mace remains in place on the rostrum, indicating that the House continues in a receptive mode for business. Bills may be introduced and reports filed through the hopper.

When the hour previously fixed for a recess arrives, the Chair declares the House in recess even in the midst of a division vote. 5 Hinds § 6665. But a recess may not interrupt a call of the roll (5 Hinds § 6054) or a recorded vote (5 Hinds § 6055). The Speaker may not declare a recess during a roll call, the taking of a vote by yeas and nays or a recorded vote; this is so even though the House has previously given him authority to declare a recess at any time. 5 Hinds § 6054.

### § 2. House Authorization; Motions

House authorization to declare a recess may be given to the Speaker by motion (Rule XVI clause 4; *Manual* §§ 586, 782), by unanimous consent (99–2, Apr. 23, 1986, p 8474), suspension, or by special order (94–1, Feb. 6, 1975, p 2641; 104–1, Dec. 21, 1995, p \_\_\_\_). The recess authority granted to the Speaker may be for a single recess on a given day (87–2, July

2, 1962, p 12625, 92–1, May 20, 1971, p 16148), for several recesses subject to the call of the Chair (93–1, Apr. 30, 1973, p 13576) or for several days (104–1, Dec. 21, 1995, p \_\_\_\_). However, no recess declared by the Speaker or authorized by the House alone can exceed three days since that would violate the constitutional requirement for Senate acquiescence. U.S. Const. art. I § 5. See also § 3, *infra*.

The Speaker may also be authorized to declare a recess:

- At any time during the remainder of the day. 86–1, Mar. 25, 1959, p 5264; 87–2, Sept. 12, 1962, p 19258.
- On the following day. 86–1, May 26, 1959, p 9155.
- During the remainder of the week. 90–1, Dec. 15, 1967, p 37126.
- At any time on certain days of the week. 88–2, Apr. 7, 1964, p 7119; 91–2, Dec. 21, 1970, p 43094.
- At any time on the legislative day of Friday and Saturday, and if necessary on Sunday. 97–1, Nov. 19, 1981, p 28211.
- At any time during the remainder of the session. 86–1, Sept. 11, 1959, p 19128; 87–1, Sept. 16, 1961, p 19800.

### **Motions to Authorize a Recess**

In 1991 the House amended Rule XVI clause 4 to permit the Speaker to entertain “at any time” a motion authorizing him to declare a recess. This motion differs from authorizations pursuant to unanimous-consent requests in that the motion is privileged and may be adopted by simple majority vote. The motion differs from special-order authorizations in that the latter require adoption of a resolution reported by the Committee on Rules. Generally, see SPECIAL RULES.

Rule XVI gives the motion for a recess a privileged status equal to that of the motion to adjourn. *Manual* § 782. As is noted elsewhere, the motion to adjourn is ordinarily a motion of the highest precedence and privilege (*Manual* § 783). See ADJOURNMENT.

A privileged motion to recess was permitted by rule from 1880 to 1890. 8 Cannon § 3356. With this exception, until the adoption of the 1991 rule, the motion to authorize a recess was not privileged in the House (8 Cannon § 3354) and could be entertained only by unanimous consent. See 86–2, Mar. 23, 1960, p 6400; 94–1, July 31, 1975, p 26244.

A motion to authorize the Speaker to declare a recess is not debatable (*Manual* § 782), but is subject to amendment.

### **Quorum Requirements**

A vote by the House to authorize the Speaker to declare a recess requires a quorum. 4 Hinds §§ 2955–2960. A request for a recess cannot be entertained if the absence of a quorum has been declared. 4 Hinds § 2959.

But when the hour previously fixed for a recess arrives, the Chair declares the House in recess even if a quorum is not present. 5 Hinds §§ 6665, 6666.

### § 3. Duration of Recess

The Speaker is permitted by Rule I clause 12 to declare a recess for “a short time . . . subject to the call of the Chair,” when no question is pending before the House. In 1993 the House stood in recess for more than seven hours (103–1, Apr. 1, 1993, p \_\_\_\_), and in 1994, the House stood in recess for 10 hours (103–2, Mar. 18, 1994, p \_\_\_\_).

The Speaker may be authorized by the House to declare a recess to extend not later than a time certain on that day (92–2, Oct. 14, 1972, p 36474), or to declare a recess until a time certain on the following calendar day (97–1, Nov. 20, 1981, p 28628). Overnight recess may be authorized, in which event the same legislative day is retained. See 98–1, Nov. 10, 1983, p 32200. A recess does not terminate a legislative day and a legislative day may not be terminated during recess. 8 Cannon § 3356. Upon the expiration of an overnight recess, the House is called to order and the Chaplain offers the prayer. 97–1, Nov. 20, 1981, p 28628.

The Speaker has been authorized to declare recesses at any time during a Thursday-evening-to-Monday-noon period subject to the call of the Chair. 98–1, Nov. 10, 1983, p 32197. However a recess cannot extend longer than three days by House order alone, since neither House may adjourn for more than three days without the consent of the other. See ADJOURNMENT. Such adjournments are provided for by concurrent resolution whereas adjournments of three days or less may be agreed to by simple resolution or other House order. See 94–1, Feb. 6, 1975, pp 2641, 2642.

### § 4. Purpose of Recess

Where the Speaker is given authority to declare a recess by unanimous consent or a special order, the specific purpose of the recess may be stipulated. The Speaker may be authorized to declare the House in recess in order to:

- Attend to a Member who has suddenly taken ill on the floor of the House. 91–1, July 8, 1969, p 18614.
- Await the receipt of a message from the President. 91–1, Jan. 17, 1969, pp 1188–92.
- Await a message from the Senate. 91–1, Feb. 7, 1969, p 3268.
- Await a report from a committee on certain emergency legislation. 91–2, Mar. 4, 1970, pp 5867 *et seq.*
- Await a conference report. 91–2, Dec. 9, 1970, p 40794; 92–1, Dec. 14, 1971, pp 46884–88.

## § 4

### HOUSE PRACTICE

- Await a report from the Committee on Rules. 91–2, Mar. 4, 1970, p 5867.
- Await Senate action on a House joint resolution continuing appropriations for several departments of the government which are without funds. 95–1, Nov. 4, 1977, p 37066.
- Await or attend a joint meeting to receive certain dignitaries. 92–1, Sept. 8, 1971, p 30845.
- Receive former Members of the House in the Chamber. 92–1, Mar. 4, 1971, pp 5137–41; 94–1, May 12, 1975, p 13738; 95–2, May 19, 1978, p 14660.
- Permit the Members to attend certain ceremonies. 93–2, Dec. 19, 1974, p 41604.
- Make preparations for a secret session of the House pursuant to Rule XXIX. 96–1, June 20, 1979, p 15711.

Where the Speaker is given authority to declare recesses, and the specific purpose of such recesses is not made a part of the request, the authority may be exercised at the Speaker's discretion. 88–2, Apr. 8, 1964, p 7304.